

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JANE DOE,

Plaintiff,

v.

JONATHAN REES, a/k/a GREG ELLIS,  
a/k/a JONNY REES,

Defendant.

Case No.: 3:23-CV-1352 (TJM/ML)

**DECLARATION OF KENNETH  
A. CARUSO IN SUPPORT OF  
MOTION FOR LEAVE TO FILE  
AN AMENDED AND  
SUPPLEMENTAL COMPLAINT**

Kenneth A. Caruso, Esq. affirms as follows:

1. I am a member of the Bar of this Court and the sole member of Kenneth Caruso Law LLC, counsel to Plaintiff, Jane Doe. I make this Declaration in support of Plaintiff's motion for an order, pursuant to Fed. R. Civ. P. 15(a) and (d), for leave to file an Amended and Supplemental Complaint.

2. Plaintiff and Defendant had an on-again, off-again, intimate relationship from April 2016 until September 6, 2022, when Plaintiff informed Defendant that she was ending the relationship, blocked him from continuing to call or text her, and stopped responding to his attempts to contact her. Complaint, ECF 1 ¶¶ 23-25.

3. Immediately thereafter, Defendant began a months-long campaign of threats, harassment, exposure and defamation. In the course of that campaign, Defendant contacted, harassed and threatened Plaintiff, Plaintiff's daughter and family, and Plaintiff's friends and business colleagues. *Id.* ¶¶ 26-54.

4. Plaintiff alleges that Defendant's campaign was actionable in several respects: Defendant disclosed a photo of Plaintiff—an "intimate visual depiction," as defined in 15

U.S.C. § 6851—without her consent, via email, in violation of both § 6851 and New York Civil Rights Law § 52-b(1). He also committed the common-law torts of defamation and intentional infliction of emotional distress. *Id.* (Claims for Relief One-Six).

5. Plaintiff now seeks leave to add two claims for relief. *See* Ex. A (clean copy of proposed Amended and Supplemental Complaint). Specifically:

6. Plaintiff seeks leave to add a claim for malicious prosecution. Plaintiff alleges and will prove: Defendant commenced a domestic-violence proceeding against Plaintiff in Family Court, Chenango County. Defendant did so in retaliation for Plaintiff’s domestic-violence proceeding commenced in a California court. Defendant did so, however, based on fabricated evidence and other false statements. When his fabrications came to light, he dismissed his New York proceeding, which thereby terminated in Plaintiff’s favor. *See* Ex. A ¶¶ 42-45, 58, 113-19.

7. Plaintiff also seeks leave to add a claim for fraudulent transfers in violation of New York Debtor and Creditor Law (“DCL”) §§ 273, 276-277. Plaintiff alleges and will prove: Defendant—less than two months after Plaintiff commenced this action, and with intent to hinder Plaintiff as a creditor—sold his land and house in Chenango County and transferred the sales proceeds out of New York, and/or concealed the sales proceeds. He has absconded from the state of New York, refused to provide a current address for use in this action and otherwise displayed the traditional “badges of fraud” set forth in DCL § 273(b). *See* Ex. A ¶¶ 120-28.

8. I attach hereto as Exhibit B a copy of the proposed Amended and Supplemental Complaint showing, in track changes/red line, the differences between the proposed Amended and Supplemental Complaint and the original Complaint, ECF 1.

WHEREFORE, I respectfully request that the Court give leave to file the Amended and Supplemental Complaint.

I declare, pursuant to 28 U.S.C. § 1746(2), under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: New York, NY  
August 26, 2024

KENNETH CARUSO LAW LLC

By: 

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